

VOL. XLIV.

RENO, WASHOE COUNTY, NEVADA, SUNDAY MORNING, JANUARY 13, 1895.

NO. 87.

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The Daily, containing the latest telegraphic news, is published every day except Sundays. The Weekly is published on Saturdays.

TIME TABLES.

Time of Arrival and Departure of Trains at Reno.

ARRIVES	TRAIN	DEPARTS
8:55 p. m.	SOUTHERN PACIFIC	
8:55 p. m.	No. 1, Eastbound Express	9:05 p. m.
8:15 a. m.	No. 3, Eastbound Fast Mail	8:25 a. m.
4:15 p. m.	No. 2, Westbound Express	4:30 p. m.
8:15 p. m.	No. 4, Westbound Fast Mail	8:25 p. m.
7:55 p. m.	VIRGINIA & TROCKNER	
7:55 p. m.	No. 2, San Fran. Express	8:05 p. m.
11:10 a. m.	No. 3, Local Passenger	1:45 p. m.
1:15 p. m.	No. 4, Local Passenger	8:50 a. m.
1:15 p. m.	Express and Freight	
1:15 p. m.	Express and Freight	

Time of Arrival and Departure of Mails at Reno.

MAIL	ARRIVES	CLOSES
San Francisco, Sacramento and points in California and Oregon	9:45 a. m.	1:00 p. m.
Ogden, all Eastern points	9:45 p. m.	8:30 a. m.
Corvallis, Virginia and all Southern points	9:45 p. m.	9:00 a. m.
Sausalito and all points north	1:15 p. m.	8:00 a. m.

Buffalo Meadows and Sheephead mail arrives every Thursday at 4:15 p. m. and closes every Friday at 8:30 a. m.

V. & T. locked pouch from Virginia and Carson arrives at 1:15 a. m.; mail for same closes at 1:30 p. m.

Postoffice Hours:

From 9:00 a. m. to 5 p. m. Sundays from 9 to 12 a. m.

STATE AND COUNTY

Delinquent Tax List

For the Fiscal Year 1894.

OFFICE OF THE TREASURER AND EX-OFFICIO TAX COLLECTOR OF THE COUNTY OF WASHOE, December 30, 1894.

TO THE FOLLOWING NAMED DELINQUENT TAXPAYERS, and to all owners or claimants to the real estate and improvements thereon, or improvements thereon, assessed separately, hereinafter described, known or unknown:

You are hereby notified that under and by virtue of an Act of the Legislature of the State of Nevada, entitled "An Act to provide revenue for the support of the general government of the State of Nevada," approved March 25, 1891, Chapter 11, Statutes 1891, I will sell

On the Third Monday in January,

To-wit: the 21st of said month, 1895, in front of the Court House door of the county building in Reno, Washoe county, Nevada, each of the following described tracts or parcels of land, with improvements thereon, and improvements, when separately assessed, to recover the amount of tax and ten per cent. delinquency, assessed to said defendant, a certain said property for the fiscal year commencing January 1, 1894, and ending December 31, 1894, together with \$1.00 cost of publication of this notice, unless payment of said tax, delinquency and costs be paid to me prior to the said day of January 31st, 1895. The said sales will be made between the hours of 9 o'clock a. m. and 5 o'clock p. m. to-wit: at the hour of 12 o'clock noon, to the person taking the smallest quantity of property and paying the taxes and costs on the whole. Such sale is subject to redemption within six months after the date of the sale by payment of all said taxes, with three per cent. per month thereon from date of said sale until paid.

The following is a list of the names of persons to whom the property is assessed, a description of the property upon which taxes are due, and the amount of tax that is due, to-wit:

TAX.	
C. D. Hornum, old house in Dodge's Addition to Wadsworth, valuation, \$125.....	5 88
C. H. Lewis, house with improvements, lot 6, block 2, Wadsworth, and personal property, valuation, \$1,400.....	35 20
J. E. Beale, SE 1/4 of NE 1/4 of section 13, township 17, range 19, 40 acres with improvements, valuation, \$510.....	10 20
J. J. Jackson, SW 1/4 of NW 1/4 of section 18, township 17, range 20, 40 acres, with improvements and personal property, valuation \$235.....	4 70
Mrs. J. Novakovich, fractional 5/16 of SE 1/4 of section 22, township 16, range 19; 5 acres in NE corner of section 27, township 16, range 19; fractional NW 1/4 of section 26, township 16, range 19, 220 acres, with improvements and personal property, valuation, \$620.....	15 40
J. A. Stewart, 1/2 of section 8, township 17, range 18, 320 acres, valuation, \$370.....	7 40
D. and A. S. Sellers, 1/2 of NW 1/4 of section 28, township 18, range 20, 80 acres, with improvements and personal property, valuation, \$1,090.....	27 80
K. Fowler, house in East Wadsworth and house in West Wadsworth with personal property, valuation \$1,125.....	25 57
J. C. Dunlop, Dunlop mill and improvements, valuation \$1,750.....	35 00
B. Chigger, SW 1/4 of SE 1/4 of section 12, township 18, range 19, 40 acres, with improvements and personal property, valuation \$325.....	9 50
Felix Monet, 1/2 of SW 1/4 and 1/2 of SE 1/4 of section 28, township 18, range 20; NE 1/4 and NE 1/4 of NW 1/4 of section 33, township 18, range 20; 1/2 of NE 1/4 and lots 1 and 2, section 32, township 18, range 20, 480 acres, valuation, \$270.....	5 50
W. E. Squires, lot 1, block 4, Verdi with improvements, valuation \$100.....	2 00

Simonds & Hollings, SE 1/4 and lots 1 and 2 in NW 1/4 of section 30, township 18, range 18, 240 acres; SW 1/4 of section 20, township 18, range 18, 160 acres; SE 1/4 and 1/2 of SW 1/4 of section 32, township 18, range 18, 240 acres; N 1/2 of NE 1/4 of section 6, township 17, range 18, 80 acres; N 1/2 of SE 1/4 of section 9, township 17, range 18, 320 acres; NE 1/4 and NW 1/4 of section 5, township 17, range 18, 480 acres; N 1/2 of section 30, township 18, range 18, 160 acres; all east of State line, section 31, township 18, range 18, 400 acres; flume and ditch for wood; W 1/2 of SE 1/4 of section 6, township 17, range 18, 80 acres; ice pond and dam; flume from pond and stable, valuation, \$5,550.....

Thomas Brennan, lots 5 and 6, block 1 with improvements, valuation, \$1,200.....

N. C. Hammersmith, house in Reno, on lots 29 and 30, river front, with personal property, valuation, \$105.....

P. N. Marker, E 1/2 of NE 1/4 of section 23, township 17, range 19, 80 acres, valuation, \$160.....

Geo. B. McFarlin, lot in block east of block D, Connor's addition to Reno, valuation, \$175.....

L. D. Goodell, lots 1 and 2, block N, Powning's addition to Reno, valuation \$250.....

D. H. Lodge, lots 1, 2, 3, block 11, Marsh's addition to Reno, and improvements, valuation, \$695.....

Mrs. J. W. Poor, undivided 1/2 of lot 22 and west 110 feet, lot 23, block 4, Western addition to Reno, and improvements, valuation, \$700.....

Mrs. E. Routson, lot 1, block 4, Marsh's addition to Reno, and improvements, valuation \$625.....

J. R. Routson, lots 2 and 3, block 4, Marsh's addition to Reno, valuation \$200.....

Mrs. C. R. Taylor, in Lake's addition to Reno, fronting 100 feet on Virginia street, running back to and fronting 79 1/2 feet on Grant street in block 18, with improvements, valuation, \$1,800.....

John Wiley, lot 20, block R, Reno, with improvements, valuation \$100.....

George Wadland, in block 3, Hatch's addition to Reno, valuation, \$200.....

W. H. Blanchard, N 1/2 of NW 1/4 and fractional 3/4 of NW 1/4 of section 3, township 19, range 20, 100 acres, with improvements and personal property, valuation, \$3,590.....

D. B. BOYD, Treasurer and Ex-Officio Tax Receiver.

STATE OF NEVADA, County of Washoe, ss.

I, John S. Williams, County Auditor of said county, do hereby certify the foregoing to be a true copy of the delinquent tax list of said county for the year 1894, ordered by law to be published.

Witness my hand and official seal at Reno, in said county, this 10th day of December, 1894.

J. S. WILLIAMS, County Auditor.

REPORT OF THE CONDITION

OF THE FIRST NATIONAL BANK AT Reno, in the State of Nevada, at the close of business December 13, 1894.

RESOURCES.

Loans and discounts	\$387,056 12
Overdrafts secured and unsecured	72,432 13
U. S. bonds to secure circulation	100,000 00
Premiums on U. S. bonds	6,000 00
Stocks, securities, etc.	1,012 43
Banking-house furniture and fixtures	48,000 00
Other Real Estate and mortgages owned	17,700 00
Due from National Banks (not reserve Agents)	6,716 50
Due from State Banks and banks	24,826 42
Due from approved reserve agents	80,558 19
Notes of other National Banks	1,085 00
Fractional paper currency, nickels and cents	24 48
Specie	38,927 75
Legal-tender notes	1,875 00
Redemption fund with U. S. Treasurer (5 per cent of circulation)	2,250 00
Due from U. S. Treasurer, other than 5 per cent redemption fund	480 00
Total	\$663,288 73

LIABILITIES.

Capital stock paid in	\$200,000 00
Surplus fund	100,000 00
Undivided profits, less expenses and taxes paid	12,617 54
National Bank notes outstanding	44,350 00
Due to other National Banks	964 21
Due to State Banks and Bankers	2,155 72
Dividends unpaid	90 40
Individual deposits subject to check	307,152 86
Demands and certificates of deposit	23,195 20
Certified checks	58,706 53
Cashier's checks outstanding	2,671 60
Total	\$663,288 73

STATE OF NEVADA, County of Washoe, ss.

I, C. T. Bender, Cashier of the above-named bank, do solemnly swear that the above statement is true to the best of my knowledge and belief.

C. T. BENDER, Cashier.

Subscribed and sworn to before me this 28th day of December, 1894.

H. L. FISH, Notary Public.

Correct-Attest: W. O. H. MARTIN, F. M. MANNING, Directors.

Buy Your Bread at THE PALACE BAKERY.

Virginia Street, Opposite Bank of Nevada.

SCHOFIELD & KENDALL, Props.

Fresh Bread, Pies and Cakes Daily.

Crackers of Every Description, Nuts and Confections.

Fresh Candy, our own Make, Ice Cream Parlors, Soda Fountain, Fresh Fruits and Berries.

WEDDING CAKES A SPECIALTY.

Goods delivered to any part of the city free of charge.

DISSOLUTION OF PARTNERSHIP.

NOTICE IS HEREBY GIVEN THAT THE partnership heretofore existing between the firm name of Oak & Burke, in the business of a blacksmithing business in Reno, Nev., is this day dissolved. C. B. Burke will continue the business at the old stand, all parties indebted to the late firm will please call and settle as soon as possible.

HIS NOVEL THEORY OF TIDES.

Uncle Alvah Dunning Thinks the Old World "Shakes" Around.

Uncle Alvah Dunning, the hermit of the Adirondacks, maintains that the earth is not round like a ball, but as flat as a pancake, or, at best, that it resembles a milk pan, with enough of an edge to it to keep the water from running away.

A number of guests at Charlie Bennett's "Antlers," on Raquette lake, were discussing the theory with Uncle Alvah one day during the hunting season. One of them undertook the altogether hopeless task of convincing the old man of the error of his belief. Among other things he called attention to the tides.

"Uncle Alvah," he said, "you've heard of tides, haven't you? How do you account for them if the world isn't round?"

The old man remained silent for awhile and then drawled forth, "Waal, I hev some idee as to 'em."

"What is it, then?" asked the questioner, while all the sportsmen drew near to await the answer. Uncle Alvah was not to be hurried, and after another pause he remarked:

"Did ye ever turn over in bed? I think's more than likely."

"Yes, I've turned over in bed."

"Do ye sleep 'tween sheets?"

"Always," replied the questioner laughingly. "What's that got to do with it?"

"It's got all to do with it, in my opinion. When you went over, didn't the bedclothes kind o' slip round an slish round an didn't get there same time as you did?"

"Yes."

"Waal, that's my idee of the tides. The old earth sort o' slips round under the water like a man under the bedclothes, or it tectors a bit, like when you tip a milkpan. The water don't get there quite as fast as the land, an' that's what makes the tides."—New York Herald.

"MY OWN THINGS."

The Present Time Is an Age of Individualism.

"Say, mamma, John's got my spoon. Can't I have it? It's mine."

"Oh, just look! Susan's playing tea party with my dessert plate. Make her stop. She'll break it."

"I wish you'd find my pepper box. This isn't mine," proclaims the head of the house.

"It's mighty queer these servants can't ever remember my things."

In the library Uncle Jim is twisting and turning and looking daggers at the unconscious caller who is sitting in his special chair. One member of the household is on the wrong side of the table, and the right paper knife is on the left magazine. Heavens sits the other side for reading. From the drawing room the voice of the elder daughter is heard saying: "Oh, no, I couldn't endure those portieres. The colors do not suit my style, you know. I made a fuss, and mamma took them in her room. I feel color in every nerve."

Such is what the fashion for having individual things has brought upon the household. We have the individual furnishings, the schemes of hangings to bring out the individual beauty of my lady's eyes, the tint of her hair or the gleam of her shoulders, and on the other hand—porish the thought!—to sink the individual in the useful. Have we not the special chair and foot rest, candlestick and cushion?

Small wonder, then, that the practical, prosaic housewife exclaims: "I wish we could go back to those early Christian days when they had all things in common. I believe I could bear it even with towels!"—New York Times.

Curing a Snake Bite.

As is well known, the copperhead is one of the most poisonous snakes, yet J. C. Thibault, who was bitten by one three miles from Trimble, Tenn., experienced no serious effects, owing to the remedy he used, which is an uncommon one. He was out hunting, and when a couple of miles from home was bitten on the ankle. He at once started for home, and on the way chewed and swallowed what tobacco he had. When he reached his house, some fresh red popper root was procured, and with the milky juice which exudes from it a stripe was made around his leg just below the knee. The leg swelled up to the mark and no farther, but it finally became so tightly swollen and painful that the juice was washed off and another mark made with it around his thigh. The swelling gradually climbed up to the new mark, giving him relief, and he recovered without using any other remedy.—Chicago Tribune.

A Delicious French Candy.

To make French nougat boil a pound of granulated sugar and a teaspoonful of water over a sharp fire until it begins to turn yellow, writes Nellie Wiley in The Ladies' Home Journal. Do not stir while boiling. Have ready one-half pound of almonds blanched and dried. Put them in the oven and leave the door open. When they begin to look yellow, add to the candy as it reaches the turning point described above and quickly pour into a well oiled tin or iron pan about one-half an inch thick. Mark with a sharp knife into bars before it cools. By leaving the tin between the hands slightly the candy will come out easily.

Fussy's Great Catch.

We disapprove of catching birds, but where they take such chances as did the Lewiston pussy that leaped from a third story window, snatched an English sparrow from a telegraph wire and struck the ground right side up and safely we are almost glad to learn she kept her prey.—Kennebec.

Well Along.

"She is a girl of 17 summers."

"Indeed! How old was she when she began to have summers?"

Children Cry for Ficker's Castoria.

A SURGEON'S KNIFE

gives you a feeling of horror and dread. There is no longer necessity for its use in many diseases formerly regarded as incurable without cutting. The

Triumph of Conservative Surgery is well illustrated by the fact that RUPTURE or Breach is now radically cured without the use of knife and without pain. Clumsy, dangerous operations can be thrown away! They cause pain, stinging and death.

TUMORS Ovarian, Fibroid (Uterine) and many others, are now removed without the perils of cutting operations.

PILE TUMORS, however large, other diseases of the lower bowel, are permanently cured without pain or resort to the knife.

STONE in the Bladder, no matter how large, is crushed, pulverized, washed out and perfectly removed without cutting.

STRUCTURE of Urinary Passage is also removed without cutting in hundreds of cases. For pamphlet, references and all particulars, send in cents (in stamps) to World's Dispensary Medical Association, 663 Main Street, Buffalo, N. Y.

MOTHERS

and those soon to become mothers, should know that Dr. Pierce's Favorite Prescription robs childbirth of its terrors, terrors and dangers to both mother and child, by aiding nature in preparing the system for parturition. Thereby "labor" and the period of confinement are greatly shortened. It also promotes the secretion of an abundance of nourishment for the child.

Mrs. Dora A. Gurnea, of Oakley, Oregon Co., Tenn., writes: "When I began taking Dr. Pierce's Favorite Prescription, I was not able to stand on my feet without suffering almost death. Now I do all my household work, washing, cooking, sewing and everything for my family of eight. I never felt how hard I have been in six years, and I never suffered so little with any of my children as I did with my last."

Why waste time and money with doctors when I will send you the prescription for a new and positive remedy for a prompt stop to a lasting cure for LEUCORRHOEA and IMPURITY. I am not a doctor, but I have obtained this wonderful formula while in Paris, France, from the most celebrated specialists in diseases of the genital-urinary organs the world ever knew. It made a new man of me and will do the same for you. For removing varicose veins and hemorrhoids, SMALL, WEAK ORGANS ITS EFFECTS IN TRULY MARVELOUS. Such a wonderful change will be made in from 15 to 25 days by its use that you will be astonished. EVERY MAN suffering from LEUCORRHOEA, or any other trouble caused by youthful errors or excesses of any kind, should send at once for the prescription. Enclose 16 cents in stamps. Address plainly: C. J. BEISCOE, 441 Cedar Avenue, San Francisco.

MEN

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Why waste time and money with doctors when I will send you the prescription for a new and positive remedy for a prompt stop

COLORADO WOMEN SPEAK.

Suffrage was accorded the women of Colorado by amending the Constitution of the State and they voted for the first time at the election last November. The members of the Woman's Christian Temperance Union, believing that as they have a right to vote, they should be given a hearing in the election of United States Senator, held a meeting at Denver to discuss the Senatorship and other questions. The meeting was very largely attended, several hundred women being present, and a resolution was adopted, imploring the Legislature to elect no man to the United States Senate who is not known to be moral. The women say the resolution was a protest against the election of Senator Wolcott. However, as the Senator is rich and the Legislature has great respect for wealth, the protest of the women will be of no avail.

The women also adopted a resolution thanking ex-Governor Waite for his attempt to suppress gambling in Denver, dwelling on the fact that he was the first Governor who attempted to enforce the anti-gambling act since it was enacted in 1868. The women, who are expected to exert a powerful influence in purifying the politics of Colorado, since they have been granted the suffrage, declare against the election of a United States Senator on the ground of immorality, and commend the administration of ex-Governor Waite for endeavoring to enforce a law which had been a dead letter on the statute book. It was enacted, until Governor Waite took office.

DELIBERATE ROBBERY.

Facts are being developed since the defalcation of the State Treasurer of South Dakota, which prove that a conspiracy had existed to plunder the State. It appears from the disclosures that when the Treasurer and his confederates became reasonably certain that he could not square accounts with the State they set to work to compel compromise by which the Treasurer should escape the penalty of his defalcation and his business should be protected from loss in consequence of large appropriations made by the Legislature and the slow payment of taxes there is a deficit of about \$100,000, exclusive of the amount stolen by the State Treasurer, which is ascertained to be about \$250,000.

It is believed by the authorities that realizing that he would be short \$100,000 when the transfer was to be made the Treasurer consulted his friends and backers and they decided to take all the money in the Treasury and hide it and then when the defalcation was discovered compromise by paying \$250,000. This plan was subsequently abandoned and the Treasurer took all the money in sight and left the State. Letters purporting to have been written by him were mailed in New York to throw the officers off the track, as he is said to have been arrested at Memphis.

A MATTER OF MONEY.

The California Senatorship is now conceded to be a mere matter of money. The Republican caucus nominated Perkins, but all the Republican members of the Legislature did not attend the caucus, and those who did not, refuse to be bound by its decision. It requires sixty-one votes in the joint convention to elect a United States Senator. Perkins lacks several of that number, and it is thought that whoever gets the requisite number will have to pay handsomely for it. Only one Senator from San Francisco attended the caucus and nearly all the Assemblymen from the city are holding out for inducements. Many of them owe their election to De Young and cannot afford to vote against him for any small amount. This bargain and sale may be consummated privately before a ballot is taken in either House, but it is understood that some of the members who are holding out expect that there will be a marked advance in the price of votes before any of the bidders for the Senatorship can secure the requisite number to elect. California, especially that part of it embraced in the limit of San Francisco, is proving to be the most corrupt and rotten State in the Union.

A COMMITTEE OF CITIZENS called on Mayor Sutro in San Francisco and requested him to call a meeting to denounce United States District Attorney Knight for his refusal to issue a warrant for the arrest of C. P. Huntington. Mayor Sutro suggested that the committee collect the evidence that would warrant him in calling the meeting. It was decided to circulate a petition and if there is a general demand for a meeting the Mayor will issue a call.

COLONEL JOHN T. CRISP and Governor Stone of Missouri, rode through Virginia not long ago. One day the Colonel turned to the Governor and said: "Is it possible we Democrats of the West fought four years to keep the Yankees from taking possession of such a country as this? Why didn't we let them have it and I be blanked?"

UNITED STATES SENATOR JOHN MARTIN of Kansas is a poor man. Suit has been commenced to foreclose a mortgage of \$6,000 on his home at Topeka, Kansas. He has been in straitened circumstances since he was elected to the Senate, and when he returns to private life, March 4th, he will have to start anew in business.

(Continued from third page.)

placed upon trial before a jury of 12 persons, and by such jury found guilty of the crime of murder in the second degree.

It is therefore the sentence of the law, pronounced by the Court that the defendant, Alice M. Hartley, be imprisoned in the penitentiary of this State for a period of eleven years.

While the sentence was being pronounced the defendant sat motionless save now and then a tremor would pass over her frame or a stifled sob could be heard.

At the conclusion of the sentence Mr. Judge filed a notice of appeal and asked for an arrest of judgment and a writ of habeas corpus to return the defendant to bail. The time was set for the presentation of the motion for 3 o'clock p.m.

At the afternoon session the application to be admitted to bail pending appeal was heard. General Clark, for the defendant, presented the application, stating many reasons, among which were the condition of the defendant, the babe at her breast and the many unfortunate circumstances surrounding the case. He also stated that he had been informed that there were no previous at the penitentiary for a prisoner in her condition and that the authorities there were not at this time prepared to receive her. General Clark made a strong and effective plea for the admission of bail in the prisoner's case, offering any number of sureties or any amount of bond for her temporary release, or until the higher court shall have decided the law in the case.

District Attorney Norton appeared for the State, but made no objection to the application, stating that having only recent connection with the case he had left the matter with his predecessor, who was unfortunately ill and could not be present, but Judge Currier had been in frequent consultation with his son, the ex-District Attorney, and that he doubt he could the better present the ideas of the District Attorney who formerly had charge of the case, but as far as he was concerned he would leave it to the Court. The Court asked Judge Currier if he had anything to say on the matter of the application for bail and the latter stated what he believed to be the wishes of his son, speaking feelingly of the defendant and her situation and believing that under the circumstances all leniency and consideration should be allowed, he therefore had no objection to the application, and thought it was within the discretion of the Court to allow the right to bail.

The Court stated that the statutes gave a discretion to admit to bail pending appeal, and that he thought this was one of those extraordinary cases where the health of the defendant justified the Court in admitting the defendant to bail pending the appeal.

It was therefore ordered that the defendant be admitted to bail pending the appeal in the sum of \$25,000, the bond and sureties to be approved by the Court.

THE WOMAN SUFFRAGE QUESTION.

A Few Denials Hence.

Mrs. Newera (entering kitchen hurriedly about 3 p.m. registration day)—Alfred dear, I am sorry to disturb you, but if we don't register every vote we have got in the ward they are going to tick us sure! Take off your apron and come along. There's a carriage at the door.

Mr. Newera—Ethelberta, I've tried to be a good husband to you. I've never refused to do anything reasonable you have required of me. I have taken care of the house and kept the children out of mischief while you've been at the club or hobnobbing with candidates down town, and I've never complained, but I'm right in the middle of the fruit canning season, and if you think I'm going to leave this porcelain kettle full of peaches all ready to put in the jars, and let the six gallons of apple butter in the washboiler burn and go to waste just for the sake of going out to register, you don't know me madam—that's all. Now you get out of my way and go on about your business, or I'll throw a dipper of hot water on you.—*Crucialist Tribune.*

District Court.

In the case of Bowman vs. M. C. Foler et al. the order to show cause, etc., was dismissed.

In the matter of the estate of P. Healey, five days additional time was granted to file report.

In the case of Novacovich vs. Novacovich it was ordered that the defendant be granted to January 15th to answer.

The case of Cox vs. Parry was heard and judgment ordered against Evans, defendant, and in favor of Parry, defendant.

In the case of H. Ruhe vs. Wm. Campbell a default was entered and judgment ordered as prayed for in the complaint.

The remainder of the session of Court was taken up with the proceedings in the Hartley case.

A Closing Out Sale.

The Palace Dry Goods House announces in its new ad to-day a closing out sale of ladies' jackets and capes at greatly reduced prices; the sale to commence at once. This is the best opportunity ever offered to buy fine garments at almost half their former prices. Ladies, call early and secure the best selection.

CALIFORNIA PRESS ASSOCIATION.

Resolutions Relative to its Excursion to Nevada.

The JOURNAL has received the following from C. F. Montgomery, secretary of the California Press Association:

RESOLUTIONS:
WHEREAS, The California Press Association, on its regular annual excursion, visited the neighboring State of Nevada, where its members were enjoyably, instructively and profitably entertained, and recognizing its indebtedness to those who interested themselves in its behalf, it is, by its members,

Resolved, That we extend to the people of Reno our heartfelt thanks for the unbounded hospitality extended to us upon the occasion of our visit to that beautiful city, and which was fittingly concluded with the splendid banquet at the Pavilion of the State Fair Association.

Resolved, That to the good people of Carson are extended our thanks for their extensive preparations to make our visit to them a happy and enjoyable one, and we sincerely regret that unforeseen circumstances prevented us from accepting of their generous and cordial hospitality.

Resolved, That our visit to Virginia City will be long and pleasantly remembered for the opportunity it afforded us of visiting the famous Comstock mines, and reveling in the delights of sleighing; and to the who contributed to our pleasure in these matters, we extend our sincere thanks.

Resolved, That we appreciate the kindness of the Southern Pacific Company in arranging our itinerary so as to afford us an opportunity of viewing the wonders of the Sierras under the most favorable circumstances; and that our thanks are due the Virginia & Truckee railroad for courtesies extended us on our pleasant trip from Reno to Virginia City and return; and our further thanks are due the Pullman Car Company for the liberal and efficient service rendered us on the entire excursion.

Resolved, That inasmuch as the people of Nevada have presented to the members of this association for their consideration the question of changing the State line between California and Nevada so as to conform to the summit ridge of the Sierras, thus giving to Nevada the control of the sources of her water courses, we desire to acknowledge the merits of this proposition, and we pledge ourselves to a full and fair consideration of the same, believing that whatever will promote the best interests of Nevada will redound to the zone of California.

Resolved, That a copy of these resolutions be sent to the Reno, Carson and Virginia City papers for publication, and that they be spread upon the minute book of this Association.

WHEREAS, The Trustees of the Crocker Art Gallery placed the Assembly room of that institution at the disposal of this Association for the holding of its annual meeting at Sacramento on December 10, 1894, it is

Resolved, That we return our sincere thanks to said Trustees for their kindness and liberality.

Signed:
JNO. BUCKINGHAM,
W. S. MELLICK,
W. R. ELLIS,
W. D. CROW,
O. D. RADOLFF.

Church Notices.

Trinity Congregation, Library Hall—Union service, Sunday school and Congregation at 11 A. M. Subject: "Jesus as a Healer." Evening, at 7 o'clock. Subject: "Where's Mother?"

Methodist Episcopal Church—The morning service will commence at 10:30 o'clock. Subject: "The Love of God Manifested in the Sufferings and Death of His Son." In the evening the union revival service will be continued. Rev. T. Magill will preach. Preaching every night next week except Saturday night. Epworth League meets at 5:45 P. M. Everybody is invited to all our meetings.

Baptist Church—Sunday School at 12:30 P. M.; Young People's Society at 5:45 P. M.

Congregational Church—Service today at 11 A. M., conducted by the pastor. Sunday School at 12 M. Young People's meeting at 6 P. M. The evening service will be held at the M. E. Church, where union revival meetings are being held.

All Free.

Those who have used Dr. King's New Discovery know its value, and those who have not, have now the opportunity to try it free. Call on the advertised Druggist and get a Trial Bottle, Free. Send your name to H. E. Bucklen & Co. Chicago and get a box of Dr. King's New Life Pills Free, as well as a copy of Guide to Health and Household instructor. Free. All of which is guaranteed to do you good and cost you nothing at S. J. Hodgkinson's Drugstore.

A Delayed Train.

The N-C-O train did not arrive at its usual time yesterday afternoon, and when an hour or two had passed and still no train, inquiries were made as to its whereabouts. It was found that it had left Amesdale about the usual time, and had also passed Doyle's station, which is the last telegraphic station. An engine was sent out last night to see if there was any trouble, and up to a late hour had not returned.

Now is the Time.

S. Emrich is selling his capes, jackets and children's cloaks at prices regardless of cost in order to clear his stock. He is also selling blankets, dress goods and other dry and fancy goods at proportionately low figures. Now is the time to get bargains.

R. R. Crawford returned from Carson last evening.



KNOWLEDGE

Brings comfort and improvement and tends to personal enjoyment when rightly used. The many, who live better than others and enjoy life more, with less expenditure, by more promptly accepting the world's best products to the needs of physical being, will attest the value to health of the pure liquid laxative principles embraced in the remedy, Syrup of Figs.

Its excellence is due to its presenting in the form most acceptable and pleasant to the taste, the refreshing and truly beneficial properties of a perfect laxative; effectually cleansing the system, dispelling colds, headaches and fevers and permanently curing constipation. It has given satisfaction to millions and met with the approval of the medical profession because it acts on the Kidneys, Liver and Bowels without weakening them and it is perfectly free from every objectionable substance.

Syrup of Figs is for sale by all druggists in 50c and \$1 bottles, but it is manufactured by the California Fig Syrup Co. only, whose name is printed on its package, also the name, Syrup of Figs, and being well informed, you will not accept any substitute if offered.

In Olden Times

People overlooked the importance of permanently beneficial effect and were satisfied with transient action; but now that it is generally known that Syrup of Figs will permanently cure habitual constipation, well-informed people will not buy other laxatives, which act for a time, but finally injure the system.

Bucklen's Arnica Salve.

The best salve in the world for cuts, bruises, sores, ulcers, salt rheum, fever sores, tetter, chapped hands, chilblains, corns and all skin eruptions, and positively cures piles or no pay required. It is guaranteed to give perfect satisfaction or money refunded. Price 25c per box. For sale by S. J. Hodgkinson.

FIFTY-CENT COLUMN.

All classes of legitimate advertisements not exceeding six lines inserted in this column at 50 cents per week.

A Permanent

Position at \$18 weekly is guaranteed any lady who will work for us quietly at home. All material free. Reply with stamped envelope to Woman's Mutual Benefit Co., Juliet, Ill.

Do You Want

To exchange your town property for a fine ranch near the town of Reno with or without the stock? If so apply at once to T. P. Bradshaw & Co., Columbian Building, Virginia street.

Ranch Wanted.

Any person having a ranch to rent in Washoe county can find a good tenant by applying to T. P. Bradshaw & Co. in the Improvement Building, Virginia street, Reno, Nevada.

Nevada Market.

The Nevada Market keeps constantly on hand a variety of choice meats. Priced low. Give us a call. East side of Virginia street, opposite Sunderland's shoe store.

Small Ranch For Sale.

Fifty acres of improved land with water, good buildings, shade and fruit trees. One and one half miles south of Reno on a Arlington road. Farming tools, machinery and implements included. Will be sold cheap. Apply at premises.

Removal.

The office of T. P. Bradshaw & Co. has been removed from the King building to the store of E. C. Sessions & Co. in the Improvement Building, east side of Virginia street, where all matters pertaining to the buying and selling of real estate, a rotating loans, etc., will be promptly attended to.

Something New.

E. C. Sessions & Co. are receiving goods daily at their new store in the Improvement Building and selling them cheaper than any house in the State. Give them a call and see for yourself.

Piano, Guitar, Banjo and Voice Culture Taught by a competent teacher. Special attention given to technical expression, phrasing and the study of classical music. Residence, North Virginia street, second door north of Congregational Church.

Removal.

I would respectfully inform my patrons and the public generally that I have removed my dental office to my residence, corner 8th and North Virginia streets, one block north of Congregational Church, where you will find me prepared to skillfully perform all operations known to the dental profession.

For Rent.

Four sunny rooms, nicely furnished for housekeeping. Apply to Mrs. E. C. Roff, West street.

House to Rent.

A four-roomed, home, furnished or unfurnished near University, corner of 8th and Center street. Particulars inquire on premises.

Pianos of 1 Organs.

See Jeff Brookings pianos. These pianos are consigned to Brookings and will be sold on the installment plan cheap. Call and see them.

Washoe Lunch Counter and Saloon.

For a fine meal or a cool glass of beer, best of liquors of all kinds or a good cigar call at the Washoe Lunch Counter and Saloon. A private dining room has been placed at the rear of the counter.

Furnished Rooms.

Mrs. E. C. Roff, West street, has furnished rooms for rent, either single, en-suite or for house-keeping. For terms apply on premises.

House for Rent.

The piano tuner is now residing 311 Commercial in Reno, and will receive a limited number of pupils. Leave orders at C. J. Brookings, or at dress Oscar M. Hildbrandt by mail.

HOLIDAY GOODS NOW OPEN FOR INSPECTION

CONSISTING OF THE FOLLOWING:

Men's and Boy's Fine Clothing, Fine Underwear, Handkerchiefs, Socks, Windsor Ties, Tecks, Four-in-Hand, Full Dress Bowls, Full Dress Shirts, White Vests.

And a Beautiful Assortment of Foster's Finest Kid Gloves Of All Colors and Shades For Gentlemen.

IN HATS You will find the Finest and Largest Assortment of John B. Stetson & Co's. Fine Soft and Stiff Hats and Fine Black and Brown Fedoras.

BOOTS AND SHOES.

Don't forget that we have the Latest and Best Styles in Ladies', Misses and Children's Boots and Shoes, all colors and shades, for Christmas presents; Men's Fancy Slippers, Dancing Pumps and Oxfords; Ladies' Fine Oxfords, Sandals and One Strap Opera Slippers in all colors.

An Elegant and Complete Stock of Silk Handkerchiefs and Mufflers, Initial Handkerchiefs, Men's Silk Smoking Jackets and Fur Caps.

MY PRICES WILL BE LOWER THAN ANY STORE IN TOWN.

29 & 31 Virginia St., JNO. SUNDERLAND. Reno, Nev.

For Rent.

An unfurnished house for rent. Good location and rent reasonable. Inquire at Fredrick's jewelry store.

Best Milk System.

The bottled milk system introduced here by the Reno Creamery Dairy is adopted in all the principal cities and approved by boards of health.

The French Laundry.

The French Laundry will remove from Sierra Street to corner of Second and Center streets, near the Telephone Office, on October 1st. The proprietors of the Laundry have purchased the property to which the Laundry will be removed.

Reduction in Pumps.

The Rustler Patent Rubber Chain pump is the best and cheapest in market \$20 pumps for \$15. Call and examine the pump or address W. C. SNODGRASS, Reno, Nevada.

Piano Tuning.

If you wish your piano scientifically tuned locate your order with McCullough or Pease for Rent, who is now in town.

Fresh Milk.

If you want pure, fresh milk call on White & Steele. They deliver milk to any part of the city, morning and evening. The cleanliness of their dairy and surroundings is their pride. Give them a trial.

ARCADE BAR.

Straight Goods a Specialty.

The Latest Fads in Mixed and Fancy Drinks.

W. S. JOHNSON, PROP.

Arcade Hotel, Commercial Row, Reno, Nev.

DR. A. DAWSON,

PHYSICIAN AND SURGEON.

Office—In Investment Company Building.

Office Hours—10 to 12 A. M. and 3 to 4 P. M.

Residence, Payne Street between Fourth and Fifth Streets.

H. J. THYES,

First National Bank Building, Virginia St., Reno, Nevada.

IMPORTED AND DOMESTIC

Wines and Liquors.

By the Flask, Bottle, Gallon, Etc.

STATE AGENT FOR—

Shasta Mineral Water, Shasta Ginger Ale, Orange Elder and Lem's St. Louis Beer.

Seth Taylor's Tonsorial Parlor.

Hair Cutting, Singing and Shampooing a Specialty.

HOT AND COLD BATHS

CENTS. 25 CENTS.

Gough & Crosby Building, Second St., Reno, Nevada.

Fall and Winter Dry Goods!
AT EMIRICH'S,
I will esteem it a special favor to have you call and inspect the new goods just received, consisting of:
Elegant Dress Goods, latest styles in colors and black,
Beautiful Silks for waists and trimmings,
Jet and Gimp Trimmings, Black and White Laces,
Lace Curtains, Portiere and Rugs, Gloves, Corsets,
Wool and Jersey Ribbed Underwear.
And last, but not least, new patterns and best qualities in Carpets and Linoleum.
ALL THESE GOODS ARE OFFERED AT THE MOST REASONABLE PRICES.
S. EMIRICH.

S. J. HODGKINSON,

DRUGGIST.

Virginia Street, Reno, Nev.

—There is money in it for you if you buy your Groceries from—

W. P. McLAUGHLIN,

Look Over This List There Is Something You Will Want!

Edam Cheese, Cream of Maize, (you'll like it) Dried Beef, White Label Lard, Epp's Chocolate, Etc. Etc. Etc.

Swiss Cheese, (fine) Fine Brand Hams, Epp's Chocolate, Etc. Etc. Etc.

Crosse and Blackwell's Olive Oil, Spanish Queen Olives.

You Will Find in Canned Goods:

Clams, Shrimps, Oysters, Lobsters, Mackerel, Sardines, Chicken

You Will Find in Glass:

Curry Powder, Celery Sauce, Horse Radish, Pickles (plain and mixed)

Ammonia, Furniture Polish, Shoe Polish, Enameline,

You Will Find:

and More Than One and One-half Cities, Other Names

SUNDAY, JANUARY 13, 1896.

A Natural Food.

Conditions of the system arise when ordinary foods cease to build flesh—there is urgent need of arresting waste—assistance must come quickly, from natural food source.



Scott's Emulsion

is a condensation of the life of all foods—it is cod-liver oil reinforced, made easy of digestion, and almost as palatable as milk.

Prepared by Scott & Bowne, N. Y. All druggists.

BREVITIES.

A. D. Shane returned from Carson last evening.
G. H. Barkin returned from Carson last evening.
E. Gost was a passenger for California last evening.

Alex. McCone arrived from Virginia last evening.

Skates of all kinds at Lange & Schmitt's.

Lieut. Gov. Scales arrived from the Capital last night.

C. Laws of Hawthorne, was a passenger west last night.

Mrs. H. Zading of Virginia, changed cars for the west last night.

Mrs. M. C. of Virginia, left for California on last night's train.

J. Rosser of Carson, was a westward-bound passenger last night.

Mrs. F. Bery took the evening train for California yesterday.

H. M. Gorman of God. Hill, changed cars for the west last night.

A five-room cottage for rent on Mill street. See advertisement.

C. H. Cribben arrived from Virginia last evening and departed for the west.

A steamer was put on last night to accommodate the large number of departures.

A splendid line of crockery and glassware at Lange & Schmitt's.

Mrs. J. Gregory, nee Nettie Winters, was a passenger on the west-bound last evening.

Remember the Cadet Corps matinee Thursday afternoon at the theatre; admission 25 cents.

L. O. Henderson, candidate for Prison Warden, arrived from the eastern part of the State last night.

T. C. Plunkett, a candidate for Warden, from Tuscarora, arrived on yesterday afternoon's train.

For an exquisite cup of tea try a package of Southgate at P. Barnes & Co.'s cheap cash store.

A fresh invoice of that fine mixed candy for 15 cents a pound at P. Barnes & Co.'s cheap cash store.

Go to Fredrick's jewelry store for the latest vocal and instrumental music at 10 cents per copy.

The Virginia Miner's Union held its annual election in that city yesterday. The election was lively and interesting, 374 votes being cast.

Gen. J. S. Tonneyson arrived from Carson last night and left for Golconda on business connected with the law firm of Tonneyson & Summerfield.

McLean's patent swing rockers at E. C. Sessions & Co.'s new store in the Improvement building. The only perfect chairs made.

Goodwin & Dodge, attorneys-at-law, are moving their office from the Nevada Bank building to the First National Bank building.

'Tis SOZODONT the whole world tries, 'Tis SOZODONT which purifies The breath and mouth, and dirt defies, 'Tis SOZODONT for which we cry, Sweet SOZODONT for which we sigh, 'Tis only SOZODONT which we buy.

Another scuffling match occurred at Carson yesterday, the belligerents being prominent gentlemen of the Capital. It will be advisable for the members of the Legislature to punch a bag for awhile and practice other pugilistic training as it is hard to tell what they may run against.

Mrs. W. R. Randall, sister of Mrs. James Ken, has been spending a week's sojourn with her relatives here in Reno. She left on yesterday's local for a short trip to Carson, where she departs for Baker City, Or., where her husband is employed as bookkeeper in a prominent mine.

At the annual meeting of the stockholders of the First National Bank of Winnemucca, the following officers were elected. F. W. Sweetser president, J. Schibyl vice-president, Geo. S. Nixon cashier, D. V. McBride assistant cashier. The following Board of Directors was elected: F. D. Sweetser, J. Schibyl, F. M. Lee, J. H. Thies, J. P. Clark, H. Busch and Geo. S. Nixon.

MRS. HARTLEY'S CASE.

The Defendant Appears in Court Looking Well.

DECISIONS OF THE COURT.

Motions in Arrest of Judgment and for a New Trial.

SENTENCED TO ELEVEN YEARS.

Application for Bail Pending Appeal Granted—Bail Fixed at \$25,000.

A large crowd gathered in the courtroom yesterday morning in anticipation of the proceedings in the Hartley case, it being generally understood that the defendant would be present in Court. At 10 o'clock the Judge entered the courtroom, and after one or two minor matters had been disposed of there was a few moments pause and Mrs. Wright, Mrs. Hartley's nurse, walked in carrying the mite of innocent humanity that knows naught of the world of trouble of his poor mother nor what the future has in store for them. The baby was tastefully dressed and during the solemn proceedings in Court, slept peacefully. Mrs. Hartley entered the courtroom on the arm of her advisor and business manager, W. H. H. Graves, followed by Rev. M. Tupper Maynard of Unity Congregation, Mrs. Captain Webster of the Salvationists, Mrs. Dodge, wife of one of the defendant's attorneys, and Miss M. R. Sloan.

As Mrs. Hartley entered the door it was apparent that she was laboring under great agitation which she was heroically endeavoring to overcome. She was assisted to a chair. Her face was slightly flushed, but there were marks of suffering plainly visible, although she looked better than was expected. She was dressed plainly in a heavy winter suit, and wore a neatly trimmed black hat. The twitching of the face and quivering lips were the only indications of the severe ordeal through which she was passing. During the delivering of the opinions of the Court she sat leaning forward on the table and holding a handkerchief to her eyes.

MOTION IN ARREST OF JUDGMENT.

In denying this motion, which was based upon the statute of 1893 reducing the number of grand jurors from seventeen to twelve, and providing that eight should find a bill, the Court held that by both the common law and the legislative of the Territory of Nevada it required the concurrence of at least twelve to find a true bill, and when the constitution, with the guarantee that no person shall be tried for a felony without an indictment by a grand jury was adopted, both the people and the framers of that instrument, meant it to be such a grand jury as was then known to the law, and that the Legislature had no authority to reduce the number necessary to find an indictment below what it was when the constitution was adopted, and that the Legislation of 1890 was unconstitutional.

DECISION DENYING MOTION FOR NEW TRIAL.

The State of Nevada plaintiff vs. Alice M. Hartley, defendant.

Many grounds have been assigned in support of the motion for a new trial made in this action. Able and exhaustive arguments have been made and those points which seem to have been relied upon in the argument will be noticed.

The granting or refusing of a new trial is not a matter of favor or inclination. Our Government is essentially one of law, operating universally upon all persons without regard to rank, office or station. Chief Justice Marshall said in 1803, "It has been emphatically termed a government of laws and not of men." 1 Grand. 137, 103. More than three-quarters of a century later, and speaking for the same Court, Justice Miller said: "No man in this country is so high that he is above the law. No officer of the law may set at law at defiance with impunity. All the officers of the Government, from the highest to the lowest, are creatures of the law, and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy and to observe the limitations which it imposes upon the exercise of the authority which it gives." U. S. vs. Lee, 106, U. S. 220. The Court in which a trial is had upon the issue of fact has power to grant a new trial * * * in the following cases only. Gen. Stat. of Nev., Sec. 4308. The Legislature has given the trial Courts of this State power to grant new trials in criminal actions in certain enumerated cases only, and the Courts possess no authority or right to do so upon any other than one of the enumerated statutory grounds. State vs. Marks, 15 Nev. 33; People vs. Fair, 43 Cal. 137. Within the limits of the jurisdiction so conferred the Courts have a discretion. "By discretion when applied to a Court of Justice, is meant sound discretion guided by law. It must be governed by rule, not by humor; it

must not be arbitrary, vague and fanciful, but regular and legal." Lord Mansfield in Rex vs. Wilkes, 4 Burr 227. "It must be regulated upon grounds that will make it judicial." Seymour vs. Delaney, 3 Conn. N. Y. 505. It is not "an arbitrary discretion to do abstract justice according to the popular meaning of that phrase." Ex Parte Hoge, 48 Cal. 5. "It is not a mental discretion to be exercised ex gratia, but a legal discretion, to be exercised in conformity with the spirit of the law and in a manner to subserve and not to impede or defeat the ends of substantial justice." Bailey vs. Taaffe, 20 Cal. 424.

[The Court then reviewed certain objections made to the jury and cited authorities to show that the points were not well taken.]

During the trial and while the defendant and her attorneys were present, and upon their urgent request, the Court ordered that the jury view the rooms of the defendant, the place where the homicide occurred. This they did in the custody of the Sheriff and his deputies, who were regularly sworn to take charge of the jury during a recess of the Court taken for the purpose of making said views. It was known to defendant and her counsel that this view was to be had without the presence of the defendant, the Judge and the Clerk of the Court. Knowing this, the defendant neither objected thereto nor requested to accompany the jury. The taking of a view, under these circumstances, is assigned an error, because neither the defendant, Judge or Clerk were present. Admitting that some authorities seem to hold the contrary, the weight of reason and authority is that the right of defendant to be present with Judge and Clerk when a view is had, if such a right exists, is statutory and not constitutional, and, whatever the right may be, it is one which the defendant may, and does waive when the action is taken upon his request and without objection or protest against the manner in which it is done. [The Court cited a large number of authorities to sustain its position.]

The action of the Court in charging the jury and in refusing to charge as requested is also assigned as error.

A draft of the charge as proposed to be given was submitted to counsel some time before the argument, and in consequence of their requests and suggestions it was amended in several respects, in consequence of which only those requests which were not thus adopted were formally presented to the Court for allowance or rejection. If the charge so given failed to present fairly to the jury any material feature of the case it was the duty of counsel to direct the attention of the Court thereto and request an instruction upon the specific point. In some respects this was done, in others, and about which complaint is now made, it was not done. Each request to charge was presented as a separate request, as numbered in the bill of exceptions, and although a portion of some of them may have been correct if presented separately, the defendant had the right to have them given or refused in the form in which they were presented, and as presented they are believed to be incorrect. The charge upon the question of insanity, and the burden of proof upon that issue, is substantially what was approved in State vs. Lewis. 20 Nev. 333. The instruction respecting the evidence of the defendant, and to which objection is now made, has been three times approved by the Supreme Court of this State. 15 Nev. 51; 16 Nev. 310; 19 Nev. 141.

It is believed the Court could have justly refused to instruct the jury upon the law of insanity upon the ground that the plea was without proof. The existence of pregnancy was not shown to be a predisposing cause to mental instability, and even if it had been shown to be such, that did not dispense with proof that insanity in fact did exist at the time of the homicide. Sawyer vs. State, 35 Ind. 80 1b, 2 Law. Crim. Def. 790. No person, expert or otherwise, testified to the mental unsoundness of defendant before or at the time of the shooting. The defendant's specific description of what occurred shows her mental condition, and the reasons which she assigns for the act, demonstrate that she was not insane within the meaning of that term as used in the law. If there was no evidence of insanity the failure to further instruct was not error. 65 Cal. 77.

Complaint is also made because the Court charged the jury that if certain things were believed by them to be true they did not constitute any legal justification for firing the first shot. In this instance as in many others, the objection is fully answered by the decisions of the Supreme Court of this State. "The constitutional provision that Judges shall not charge juries in respect to matters of fact, but may state the testimony and declare the law was intended to prevent Judges from charging that facts testified to are, or are not established; but was not intended to prevent and does not prevent them from charging what would be the legal effect of facts if found to be established." State vs. Anderson, 4 Nev. 266.

Finally it is insisted that upon the whole case the evidence does not justify the verdict; that the verdict was the result of bias and prejudice; that the defendant has not had a fair and impartial trial and that substantial justice demands that a new trial be awarded. These charges are easily made, but their accuracy can best be determined by those present during the trial.

The organic law of the land has wisely left to a jury the determination of contested questions of fact in criminal actions.

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The power to set aside the result of their deliberation is given to the Courts with "a legal discretion to be exercised in conformity with the spirit of the law, and in a manner to subserve and not to impede or defeat the ends of substantial justice." To substitute the wish of the Court for the verdict of the jury, where, upon the whole case, there remained no well grounded belief that the evidence did not fairly sustain the verdict, would be an abuse, rather than an exercise of judicial discretion, and would result in new trials until a jury was obtained which would consummate the desire of the Judge. If such were the law, it were better to dispense with a jury altogether.

After careful and repeated consideration of the evidence in this case I am unable to see in what respect it fails to justify the verdict.

It may be admitted that, from the statements of the defendant, she was morally justified in shooting the deceased. But the question ever remains, had she a legal justification? Neither the Court nor jury has anything to do with the moral aspect of this case. That has wisely been left to a higher tribunal. The public mind may not, but the judicial mind must, separate the moral from the legal phase. There should not be, and it is sincerely hoped never may be, one legal standard of criminal responsibility for the refined, the cultured and the influential; and another for the coarse, the ignorant and the obscure, when the personal element is removed from this case, it is neither exceptional nor difficult. A woman, justly believing, according to her statement of the facts, that she had been grievously wronged by another, a wrong for which the law affords both civil and criminal redress, several months after the wrong was committed, demands and appeals to her wrongdoer for reparation; and, when this is denied, with full cognizance of her every act, when under no real or apparent present danger, and with considerable evidence of predetermined resolution and preparation, takes upon herself the vindication of her wrongs. She constituted herself the tribunal to decide that the law had been violated, that the accused was guilty and that the punishment should be death. As was said by this Court upon another, and strangely contrasting occasion, it is for a jury of twelve men, under the responsibility of an oath, after indictment, investigation and trial to pronounce a verdict of guilty, and for the law to enforce the penalty. "To permit an individual to take the life of another, not in necessary self-defense, because he believes that another has done that which merits extreme punishment, would be to destroy a principle of law which lies at the very foundation of all order, society and government."

The defendant was represented by counsel and tried by a jury of her own selection, most of the jurors were well known and long-time residents of this county, and, no doubt, all were accepted because there was confidence in their integrity and character. That the result did not meet defendant's expectation does not even tend to establish that the verdict of the jury was the result of bias, prejudice or impartiality; non constat, but another jury would have reached the same conclusion. Their demeanor, during the trial, was sympathetic, intelligent, patient, attentive and considerate, and they unanimously invoked the mercy of the Court. To this jury, with her peremptory challenges unexhausted, the defendant submitted her cause. Those now complained of, frankly said they had an opinion. The court had no power to exclude them if the parties would not. The administration of the law must be practiced. It cannot permit a party to knowingly speculate upon a favorable decision from a jury of his own acceptance, and then complain because the result was unsatisfactory. When the law has provided a plain and adequate remedy by which a defendant can secure the exclusion of incompetent or impartial jurors it has preserved the right of trial by jury to the full extent vouchsafed by the constitution.

During the trial of this cause the defendant was freely accorded every right known to the law. Every substantial doubt was intended to be resolved in her own favor. She had an early trial by her own request. Attentive assistants and sympathetic friends accompanied her. Careful notice was taken of her physical condition, and the trial suspended whenever she so desired. The jury were fully charged that the State must prove its case; that the innocence of the defendant was presumed; that a reasonable doubt of her guilt entitled her to an acquittal; that if there was a reasonable doubt as to the degree of the crime they could convict of only the lowest of such degrees, and that their decision must find support in and be obtained from the evidence and be the result of their convictions, free from fear favor or affection, bias prejudice or sympathy. The proceedings were orderly and impressive, befitting the gravity of the accusation. The deplorable physical condition of the defendant was manifest, but when her insanity at the time of the homicide was not shown, as it

clearly was not, then all question of moral or legal responsibility arising from that condition was taken out of the case. It must not be forgotten that the law presumes every human being sane and upon him is cast the burden of showing insanity by a fair preponderance of the evidence before he can ask exemption from criminal responsibility. It is also worthy of notice that the other plea—that of necessary self-defense—is utterly inconsistent with the idea of insanity. The refinements of medical experts have never gone so far as to assert that the human mind could be so diseased as not to know right from wrong in respect to shooting a particular individual and at the same instant be sufficiently sound to determine, as a reasonable person, that such shooting was necessary in order to prevent great bodily harm.

It was the sworn duty of the jury to decide this cause from the evidence according to legal principles. That they were able to do so when the appeal to every sentiment of sympathy was so keen and persistent is no reproach upon the jury system. Continual and skillful efforts were made, tending to divert their minds from the issue between the State and the defendant, to questions of guilt and moral responsibility as between the defendant and the deceased. Courts are established and maintained at public expense, to hear and determine the issues material to the cause made by the pleadings, and it is believed that the obligation of office and an official oath make it incumbent upon the Court to give the jurors such instructions upon legal principles, pertinent to the issues and applicable to the proof, as will tend to secure a decision of the issues in the case, rather than those outside of it. The discretion to set aside the verdict and grant a new trial must find support on judicial grounds. To rest it upon favor would be to make the Judge above the law—something inconsistent with and destructive of all law, whether exercised by Judge, jury or accused. To overthrow a verdict justified in law and in fact, is as bad in principle as to render a judgment without warrant in law or in fact. To knowingly make, for any case, exceptions unknown to the established rules of law, would be most unworthy of any office or tribunal solemnly charged with the power and responsibility of pronouncing the judgment of the law. If honest effort and patient application to reach a just and sound conclusion fail of their purpose, the law, recognizing that to err is human, has wisely afforded appropriate relief, the motion for a new trial must therefore be denied.

A. E. CHENEY, District Judge.

January 12, 1896.
Mr. Dodge, attorney for the defendant then asked the indulgence of the Court and reviewed the circumstances of the homicide and spoke feelingly of the unfortunate condition of the defendant, and made a strong plea for the extreme mercy of the Court in passing sentence.

Judge Cheney then pronounced sentence, and during the delivery it was quite apparent that the Judge was deeply moved.

THE SENTENCE.

In this case, for the defendant at the Bar, the Court, personally, has nothing but a feeling of unbounded sympathy and sorrow, but the duties of office, unless a person is willing to accept them and enforce them according to the highest dictates of his conscience and the best enlightenment he may obtain, should be voluntarily relinquished.

The unanimous recommendation of the jury, which heard the evidence, for the clemency of the Court, has found substantial lodgment.

It is unnecessary, and it would be painful, to rehearse the many distressing features connected with this crime and with the trial thereof, and

WHEREAS, a Grand Jury of the county of Washoe has heretofore regularly indicted the defendant, Alice M. Hartley, of the crime of murder, committed on the 26th day of July, 1894, in shooting and killing M. D. Foley within the county of Washoe, and

WHEREAS, that after such indictment the defendant, upon being regularly arraigned, thereupon did enter her plea of not guilty, and upon such indictment and plea was thereafter regularly

(Continued on second page.)

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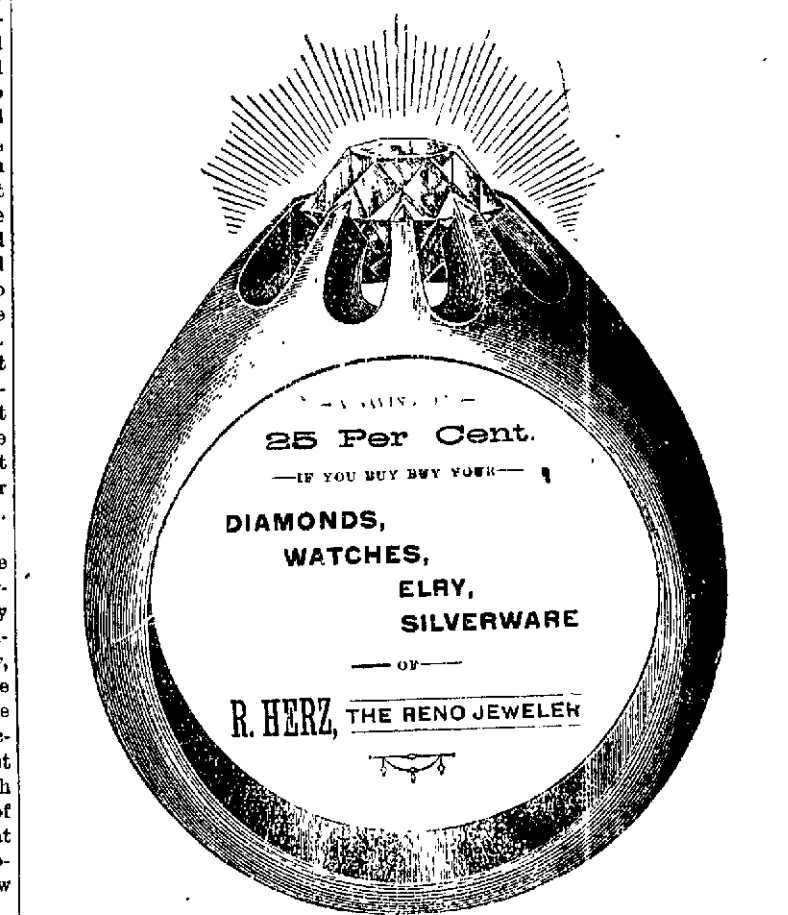
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